HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

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Writ Petition No. 2021 of 2005

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Dated: 19th December, 2005

Between:

Cherikuri Venkata Nagesara Rao

rep. by GPA Holder Sri Cherukuri Satish Babu,

S/o.Cherikuri Venkata Nageswara Rao,

R/o.Door No.32-9-12, Mogulrajapuram, Vijayawada,

Krishna District.

..... PETITIONER

AND

1. The Chief Commissioner of Land Administration,

Urban Land Ceiling, A.P., Hyderabad and another.

.....RESPONDENTS

HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

Writ Petition No.2021 of 2005

ORDER:

This writ petition has been filed by Cherukuri Venkata Nageswara Rao represented by his G.P.A. Holder-Cherukuri Satish Babu, who is the appellant before the Chief Commissioner of Land Administration, Urban Land Ceiling, Andhra Pradesh, Hyderabad-1st respondent, aggrieved by the order dated

03.12.2004 passed in C.C.L.A.Ref. No.VJA/83/2004.

2. The facts of the case are not required to be dealt with elaborately in view of the order proposed to be passed. It is suffice to say that the petitioner filed an appeal before the Chief Commissioner of Land Administration, Urban Land Ceiling, Andhra Pradesh, Hyderabad-1st respondent, assailing the errata to the notification issued under sub-section (1) of Section 10 of the Urban Land (Ceiling and Regulation) Act, 1976 (for short, 'the Act'). The appellate authority entertained the appeal and passed the following order:

> "Sri Cherukuri Venkata Nageswara Rao, resident of Vijayawada is invited to the reference cited and directed to approach the Special Officer and Competent Authority, Urban Land Ceiling, Vijayawada and seek remedy under G.O.Ms.Nos.455/456 dated 28.07.2002, if he is interested. Original petitioner affidavit returned for ready reference."

3. Heard learned counsel appearing for the petitioner, learned Government Pleader for Assignment appearing for the respondents 1 and 2 and learned counsel appearing for the implead parties *viz*., respondents 3 to 27.

4. Learned counsel appearing for the petitioner submits that an appeal as provided under Section 33 of the Act has been preferred assailing the errata dated 15.05.2004 to the notification issued under sub-section (1) of Section 10 of the Act. The appellate authority having entertained the appeal erred in directing the petitioner to approach the Special Officer and Competent Authority, Urban Land Ceiling, Vijayawada-2nd respondent, without giving an opportunity to the petitioner to make his submissions.

5. Learned Government Pleader for Assignment appearing for the respondents 1 and 2 submits that the petitioner having withdrawn the earlier writ petition with a liberty to approach the Court after the out come of his application seeking benefits under G.O.Ms.Nos.455 or 456 cannot be permitted to assail the errata dated 15.05.2004 to the notification issued under sub-section (1) of Section 10 of the Act.

6. Undisputedly an appeal has been filed by the petitioner assailing the errata dated 15.05.2004 issued to the notification under sub-section (1) of Section 10 of the Act. The appellate authority entertained the appeal. The petitioner/appellant is required to be heard before passing any order on the appeal presented by him.

7. In that view of the matter, I deem it appropriate to set aside the order impugned in the writ petition and remand the matter to the appellate authority with a direction to hear the petitioner as well as the respondents including the implead parties viz., respondents 3 to 27 and pass appropriate orders within three months from the date of receipt of a copy of this Order.

8. Accordingly, the writ petition is disposed of. No costs.

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B.SESHASAYANA REDDY, J.

Date: 19th December, 2005.

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